



Image

1635

PTO/SB/21 (08-03)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/919,504	
	Filing Date	July 31, 2001	
	First Named Inventor	Emanuele et al.	
	Art Unit	1635	
	Examiner Name	R. Schnizer	
Total Number of Pages in This Submission	26	Attorney Docket Number	42896-261843 (19720-0625)

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Postcard</b>		
<table><tr><td>Remarks</td><td></td></tr></table>			Remarks	
Remarks				

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Sima Singadia Kulkarni
Signature	<i>Sima Singadia Kulkarni</i>
Date	April 12, 2004

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Sima Singadia Kulkarni		
Signature	<i>Sima Singadia Kulkarni</i>	Date	April 12, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 42896-261843  
(19720-0625)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
**Emanuele et al.** )  
 )  
Serial No.: **09/919,504** ) Examiner: **R. Schnizer**  
 )  
Filing Date: **July 31, 2001** ) Art Unit: **1635**  
 )  
For: **THERAPEUTIC DELIVERY COMPOSITIONS AND** )  
**METHODS OF USE THEREOF** )

**PRELIMINARY AMENDMENT AND RESPONSE TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed October 10, 2003, Applicants respectfully request reconsideration of the rejected claims based upon the following remarks. On March 10, 2004, Applicants filed a Request for Continued Examination for the present application and inadvertently omitted the preliminary amendment. Applicants discussed the omission with the Examiner by telephone on April 12, 2004. The Examiner noted that the RCE had been entered and accordingly he would permit and accept the submission of this preliminary amendment. As a result, therefore, Applicants hereby submit this preliminary amendment and request entry of the present amendments and response.

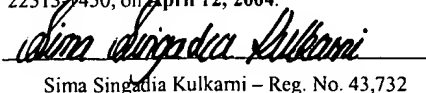
**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 17 of this paper.

**Conclusions** begin on page 25 of this paper.

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Sima Singadia Kulkarni – Reg. No. 43,732